

Statement of Support Under 37 CFR 1.173 (c)

The following describes the support in the specification for the claims as amended, supplementing the statement filed on December 4, 2003, which is incorporated herein by reference.

The claims as amended are generally supported at least by the original claims; figures 7-10; column 1, lines 28-52; column 3, line 10 through column 4, line 5; column 6, lines 1-47; column 11, line 51 through column 12, line 64; column 15, line 61 through column 17, line 65; and column 23, lines 21-37.

New claim 48 is supported at least by column 15, line 61 through column 17, line 65.

New claims 49, 50, 51, and 52 are supported at least by claims 42, 43, and 45 column 17, lines 21 through 31.

REMARKS

Claims 1-33 and 40-47 were pending the in the application. The Examiner allowed claims 1-24 and 40-42. The Examiner rejected claims 25-27, 29-33, and 43-47 under 35 U.S.C. 102(e) as anticipated by US Patent No. 5,590,325 to Kolton et al. ("Kolton"). The Examiner rejected claim 33 under 35 U.S.C. 101. The Examiner rejected claim 28 under 35 U.S.C. 103 as unpatentable over Kolton.

Claims 1, 3, 8, 11-13, 15-20, 22, 23, 25, 26, 31-33, 43 and 45 are amended, and claims 48-52 are added. Claim 33 is amended to address the rejection under 35 U.S.C. 101. No new matter is introduced by these amendments. Claims 1, 25, 40, 42, 43, 45, and 49-52 are the independent claims.

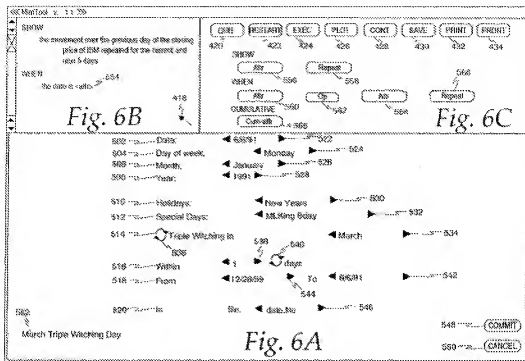
In view of the above amendments and the following comments, we respectfully request withdrawal of the remaining rejections and allowance of the application.

Rejection under 35 U.S.C. 101

The Examiner rejected claim 33 under 35 U.S.C. 101 for being directed to non-statutory subject matter. Although we disagree with this rejection, to expedite prosecution, claim 33 is amended to recite in part a "non-transitory computer readable physical medium having stored therein computer instructions . . ." which excludes the interpretation set forth by the Examiner. Accordingly, we respectfully request withdrawal of this rejection.

Rejections under 35 U.S.C. 102(e)

The Examiner rejected claims 25-27, 29-33, and 43-47 under 35 U.S.C. 102(e) as anticipated by Kolton. Kolton discloses a "computerized data retrieval system, especially for commodity price information databases." Kolton at Abstract. Kolton shows a "windowing system which aids a user in creating and revising formal search language queries." Id. See for example FIG. 6 of Kolton included below for the convenience of the reader.



This figure shows “a query construction window showing attribute field option 502-502. [For example,] DATE option 502 allows the user to select a data in field 522 in order to use a specific date as an attribute for determining when to display market information from a particular date.” Kolton at col. 6, lines 60-64. The graphics of Kolton do not represent “at least one graded representation portion comprising a representation of an output criterion as applied to a data set” recited in combination with the other recited subject matter of claim 25. Claims 43 recites in combination with other subject matter “manipulation of a grade of at least one graded representation portion of a desired output arrangement, the at least one graded representation portion comprising a representation of an output criterion as applied to a data set,” and claim 45 recites in combination with other subject matter “manipulation of a grade value represented by at least one graded representation portion having at least three states, the at least one graded representation portion comprising a representation of an output criterion as applied to a data set.” Claims 49-52 recite subject matter similar to that of claims 42, 43, and 45. Kolton’s windowing system fails to teach or suggest such subject matter.

Because Kolton fails to teach or suggest every element of the claims, Kolton cannot support the rejection of these claims. Accordingly, we respectfully request withdrawal of these rejections.

Claim 28 depends from claim 25. Because Kolton cannot support the rejection of claim 25 as discussed above, Kolton cannot support the rejection of claim 33.

The remaining claims are ultimately dependent upon one of the independent claims discussed above. While we believe that other arguments are available to highlight the allowable subject matter presented in various of these dependent claims, we also believe that the comments set forth herein regarding the independent claim are sufficiently compelling to warrant present exclusion of such additional points for the sake of brevity.

The undersigned thanks the Examiner for his helpfulness in the telephone interview. The Examiner is invited to call the undersigned if the Examiner believes that a telephone interview may expedite prosecution of this matter.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Dated: March 29, 2010

By: /Nicholas T. Peters/
Nicholas T. Peters
Reg. No. 53456
ntpete@fitcheven.com

FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
Telephone: 312.577.7000